

SENATE BILL REPORT

HB 1285

As of March 13, 2017

Title: An act relating to oath requirements for interpreters in legal proceedings.

Brief Description: Modifying oath requirements for interpreters in legal proceedings.

Sponsors: Representatives Graves, Jinkins, Goodman, Rodne, Shea, Muri, Haler, Kilduff, Klippert, Orwall and Kirby; by request of Board For Judicial Administration.

Brief History: Passed House: 2/09/17, 98-0.

Committee Activity: Law & Justice: 3/09/17.

Brief Summary of Bill

- Modifies interpreter oath requirements, allowing interpreters for hearing impaired and non-English-speaking persons to submit an oath once at the time of satisfying initial credentialing requirements with the Office of Deaf and Hard of Hearing or the Administrative Office of the Courts.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: The presiding officer of a court or other entity may be required to appoint and pay for an interpreter to assist hearing impaired and non-English-speaking persons in legal proceedings.

Interpreters for hearing impaired persons must be qualified and take an oath before each hearing in which they interpret. Qualified interpreters are those who are certified by the state or by the Registry of Interpreters for the Deaf, or who can otherwise readily translate for hearing impaired persons. The Office of Deaf and Hard of Hearing (ODHH) with the Department of Social and Health Services maintains a list of qualified interpreters who are certified to interpret in court.

Interpreters for non-English-speaking persons may be certified, registered, or otherwise qualified, depending on the circumstances. Certified interpreters are preferred in legal proceedings in which the non-English-speaking person is a party or is compelled to appear.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

However, if good cause is found, a qualified interpreter is permitted. Qualified interpreters are those who can readily translate for non-English-speaking persons. The Administrative Office of the Courts (AOC) certifies and registers interpreters for non-English-speaking persons. Certified and registered interpreters must submit an oath to the AOC when certified or registered and every two years thereafter. Qualified interpreters who are not certified or registered must take an oath before each hearing in which they interpret for a non-English-speaking person.

Summary of Bill: Upon receiving the interpreter's initial qualification from ODHH, a qualified interpreter for hearing impaired persons must take an oath that the interpreter will make a true interpretation and repeat the statements of the person being examined to the best of the interpreter's skill and judgment. The interpreter is no longer required to repeat the oath prior to each hearing in which they interpret.

Upon certification or registration with AOC, a certified or registered interpreter for non-English-speaking persons must take an oath that the interpreter will make a true interpretation and repeat the statements of the person being examined to the best of the interpreter's skill and judgment. If the interpreter is certified or registered, the interpreter does not need to repeat the oath every two years.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a good little bill. Interpreters are uniquely required to take an oath on a continuous basis when appearing in court. This puts a burden on the courts and hampers its already limited ability to get qualified interpreters. This bill will put interpreters on the same playing field as lawyers and doctors and increases court efficiency.

Persons Testifying: PRO: Representative Paul Graves, Prime Sponsor; Brady Horenstein, Administrative Office of the Courts.

Persons Signed In To Testify But Not Testifying: None.